

# PATENT COOPERATION TREATY


## PCT

PCT Application  
PCT/CN2004/000281



### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IEC040019PCT		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/CN2004/000281		International filing date (day/month/year) 29. Mar. 2004(29.03.2004)	Priority date (day/month/year) 27. Mar. 2003(27.03.2003)	
International Patent Classification (IPC) or national classification and IPC  IPC <sup>7</sup> : A61K31/7008, A61P31/00, 39/00				
Applicant THIRD MILITARY MEDICAL UNIVERSITY, CHINESE PEOPLE'S LIBERATION ARMY, P.R. OF CHINA, et al				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 25. Oct. 2004(25.10.2004)		Date of completion of this report 18. Mar. 2005(18.03.2005)		
Name and mailing address of the IPEA/ 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China		Authorized officer 		
Facsimile No. 86-10-62019451		Telephone No. 86-10-62085236		

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished

- ☐ the description:

pages \_\_\_\_\_ as originally filed/furnished  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- ☐ the claims:

pages \_\_\_\_\_ as originally filed/furnished  
 pages \* \_\_\_\_\_ as amended (together with any statement) under Article 19  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- ☐ the drawings:

pages \_\_\_\_\_ as originally filed/furnished  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
 pages \* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

This questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 4-7

because:

☒ the said international application, or the said claims Nos. 4-7

relate to the following subject matter which does not require an international preliminary examination(*specify*):

Claims 4-7 are directed to methods of treatment of the human/animal body(under PCT rule 67.1(iv)).

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. \_\_\_\_\_

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☐ See Supplemental Box for further details.

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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**Box No. V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement:

Novelty (N)	Claims	1-3	YES
	Claims		NO
Inventive step (IS)	Claims	1-3	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-3	YES
	Claims		NO

## 2. Citations and explanations (Rule 70.7)

Claims 1-3 meet the criterion set out in PCT Article 33(2) and (3), because the prior art did not disclose or teach or fairly suggest the invention claimed.

Claims 1-3 meet the criterion set out in PCT Article 33(4), for industrial applicability.